

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: April 28, 2016

REPORT PREPARATION DATE: April 11, 2016

APPLICATION TYPE: Conditional Use approval for constructing a storage barn (warehouse) in the Agricultural Zoning District and Site Plan approval given the size of the proposed structure (over 1,000 sq. feet)

APPLICANT/OWNER: Clint Calderwood

DESCRIPTION: Conditional Use & Site Plan approval for a 40x108 barn

IDENTIFYING INFORMATION:

LOCATION: 95 Cilley Hill Road

PARCEL NO: CH095

TOTAL ACREAGE: 2.02 acres

ZONING DISTRICT(S): Agriculture

EXISTING USE: Storage business

PROPOSED USE: Additional storage

NOTICE OF PUBLIC WARNING/ ABUTTERS:

Notice of Public Warning published – *April 7, 2016*

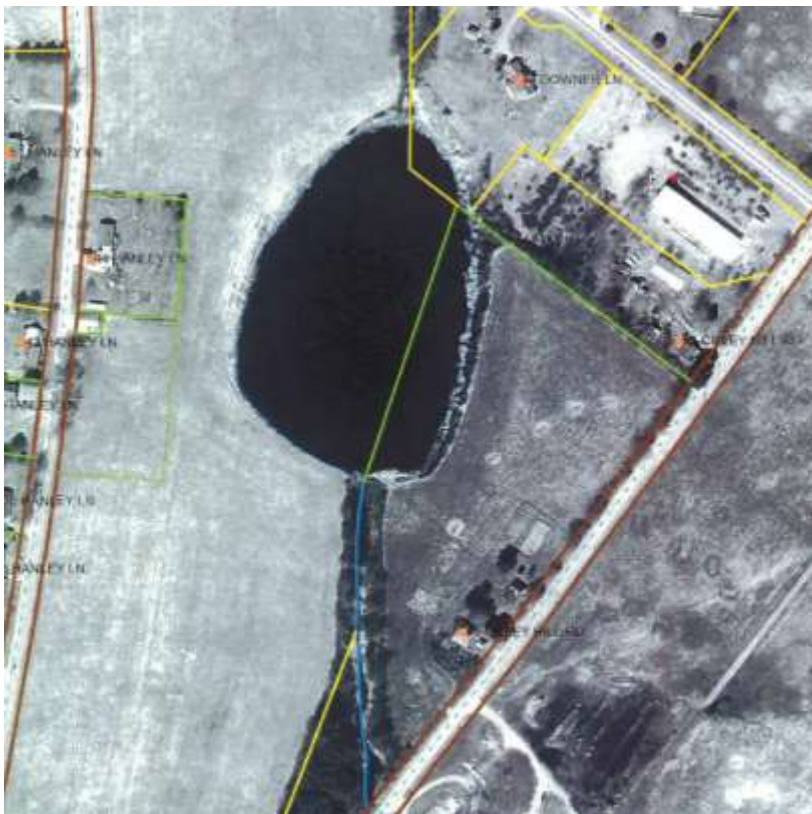
Notice of Public Warning posted – *April 7, 2016*

Onsite posting sent on – *April 11, 2016*

Notice of Public Warning sent to abutters and applicants—*April 7, 2016*

Agenda Posted – *April 21, 2016*

LOCATION MAP:



Orthographic image of CH095 in relation to Downer Lane, Cilley Hill Road, and Hanley Lane. Parcel is located in top right hand corner with yellow boundaries.

PROJECT OVERVIEW

The applicant has interest in constructing a new barn (40x108) at 95 Cilley Hill Road (2.02 acres). The parcel contains a historic chicken barn on the state historic registry (40x170sqft) and a smaller barn, 60x40sqft). Max lot coverage needs to stay under 30%, or for this lot, about 87,120 sqft. Lot coverage with the new barn would be around 13,560 sqft, or about 1/6 of the property.

The primary use of the parcel is a storage business. This application requests conditional use approval for a new storage barn to accompany the current storage barn. Warehousing in agricultural district is conditional (table of uses 4.4.4.2), and with over 1,000 new sqft, it requires site plan approval as well (10.10.2.3.). Accessory structures are defined as, *“A structure or use that is incidental and subordinate in size and overall appearance (excepting barns) to the primary USE or STRUCTURE, and which is located on the same LOT, or which is incidental and subordinate to the use of the land. Drive-thrus are prohibited as an accessory use in all districts”*

This proposed structure would also house up to 30 motor vehicles, alleviating the violation of motor vehicles that currently exists on the parcel.

PREVIOUS ACTIVITY

January 12, 1999: adaptive reuse site plan *denied* under the Jericho Zoning Board of Adjustment
April 27, 2000: Adaptive reuse *approved* by Jericho Development Review Board
May 10, 2001: Amendment to original adaptive reuse. *Approved* by DRB.
October 23, 2009: Permit application submitted to build addition to chicken barn, *denied* by staff.
August 9, 2012: Violation issued for excess of motor vehicles on lot. No action taken.
March 23, 2014: Smaller 60x40 *permitted* and built behind chicken barn
January 26, 2016: 40x108 barn proposed. Building permit *denied* as DRB approval needed.
March 10, 2016: sketch review before DRB, proposing new storage barn

DEPARTMENTAL REVIEW AND COMMENTS:

CONDITIONAL USE APPROVAL (§10.9.)

10.9.1. Purpose: Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.

10.9.2. Applicability: Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards. *Site plan review is required based on the square footage of the proposed barn.*

10.9.3. Standards: In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the ACT [§4414(3)(A)]:

10.9.3.1. The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy. *No water or sewer is proposed. Schools will not be impacted. No change in access is proposed- applicant will continue to use curb cut off of cilley hill. This storage will have limited impact on traffic. The fire department has been contacted in respect to this project's storage prior to final review, and staff is awaiting a response. The previous approval in 4/2000 documented concern in storage of flammable plastics. Applicant has stated that this barn will serve to store vehicles, primarily, not Styrofoam as in the previous application.*

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) Nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho;

(b) The proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; and *Based on claims the applicant has made in regards to the current violation in existence on the property, the proposed barn would be an improvement to the number of vehicles on the premises. Given the nature of the agriculture zoning district, giving this barn an authentic look will be in general harmony with active agriculture use nearby*

(c) The proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located. *The Agriculture zoning district lists limited, compatible development as appropriate. Given the density of this parcel, no prime agriculture land will be impacted.*

10.9.3.3. Traffic on roads and highways in the vicinity: The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations *Not a significant impact. Applicant has stated that the car storage has very limited loading and removal dates, limited to a few weekends in the spring and fall.*

10.9.3.4. Bylaws and ordinances then in effect

10.9.3.5. Utilization of renewable energy resources. *None proposed*

10.9.4. Additional Review Standards: The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.9.4.1. All site plan review standards and approval conditions in Section 10.10 *below*

10.9.4.2. The cumulative impact of the proposed conditional use taken together with other conditional uses in the area. *Other conditional uses in the "area" include the current lot, which has conditional use approval for the adaptive reuse. Please review the original approval and amendment attached to these notes*

10.9.4.3. If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations. *No overlay district is impacted here.*

10.9.5. Expiration of Approval:

10.9.5.1. Conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.

10.10. SITE PLAN REVIEW

10.10.1. Applicability: Before the Zoning Administrator may issue a zoning permit for any structure or use of land for which site plan approval is required, approval must be granted by the Development Review Board according to the procedures of Section 10.8. Site plan approval is required for all uses and structures other than those exempted under Section 10.10.2.

10.10.2. Exemptions: The following uses and structures are exempt from site plan review:

10.10.2.1. Agricultural and forestry uses

10.10.2.2. One- and two-family dwellings and accessory buildings there to

10.10.2.3. Uses that satisfy all of the following criteria:

- ♣ Do not require conditional use review
- ♣ Do not require new or expanded parking for five [5] vehicles or more,
♣ Do not involve the construction or expansion of 1,000 square feet of building area or more, and
- ♣ Do not involve construction, expansion, or substantial alteration of any outside storage or display area.

GENERAL DEVELOPMENT STANDARDS (§11.1-§11.14)

11.1. Access - Public/Private Roads and Driveways-

Private driveways shall have a maximum grade of 15%, a minimum width of 12', and be capable of supporting the weight of a two-axle, 40,000 pound vehicle. These provisions are contained in the Town of Jericho Public Works Specifications amended 1/22/09 and shall be superseded by

any revisions to the same. *Applicants have spoken with the highway foreman to check access standards have been met. HF suggested that several bushes be removed by the mailbox to improve line of sight as well as comply with dimensional requirements. Proposed gravel driveway extends from current drive back toward new barn*

11.1.5. Traffic Study/Off Site Improvements *The DRB has not required a traffic study for this application but indicated at sketch review that applicants should be prepared to propose a specific plan for traffic ingress and egress on the property- i.e. hours of operation and seasonal weekend operation. Applicant projects 426 round trips/ year. Applicant has stated hours of operation as follows: "Spring move out is (4) weeks' time which fall in the range of April 1 to May 1. We move cars out 2- 3 days a week. (2) week days and (1) weekend day, 8am to 7pm. Fall move in is 6 Weeks' time, since some people like to drive up to snow fall time, these dates fall in the range of October 15 to Dec 1. We move cars in 2-3 days a week. (2) week days and (1) weekend day, 8am to 7pm. In addition, We still have truck deliveries to the old barn M-F, 9am-3pm for our 10+ year customer, GTG Growers, covered under the original conditional use permit for the Old Barn. This use will not change."DRB should discuss if proposed hours of operation are sufficient.*

11.2. Parking/Loading/Circulation- *improvement proposed. Required: 4.0 Industrial Uses .5 per 1,000 sf GFA + 1.0 per employee Applicants have stated that total lot coverage will be 13,520 sq. ft. Applicants should provide for at least 7 parking spaces. On the plan, applicant has proposed 8*

11.2.2.3 Modification In Required Spaces: The Development Review Board may increase or decrease the number of parking spaces required if appropriate to accommodate the parking needs of an individual applicant. In granting a reduction in the number of spaces, the Board may consider factors including but not limited to actual anticipated parking needs of a proposed use, the mix of uses within the development, proximity of the proposed use to pedestrian infrastructure, transit service, or other alternative modes of transportation, and/or transportation management proposed by the applicant. *The DRB may consider waiving the requirement of 7spacesif desired*

11.2.3. Standards: Parking areas servicing non-residential uses and all parking areas for five [5] or more cars shall be designed and constructed in accordance with the standards of this section. *Given the requirement of 7 spaces in table 11.2.2.1, the following standards are required*

11.2.3.1. General Layout:

(a) Parking areas shall be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated parking space, excepting Tandem Parking as permitted under Section 11.2.3.1(d) below. *Parking has been shown on the plan in front of the proposed barn*

(b) Except in the Commercial District, Village District and Village Center District, designated parking areas shall not be located in any required front, side, or rear yard setback. Within the Commercial District parking may be within one-half [½] of the depth of the required side or rear yard(s) setbacks, except where the subject parcel is adjacent to property in the Rural Residential, Agricultural, or Forestry District. In the Village Center

District and Village District, parking may be within the side or rear yard setbacks.

Parking on the plan has been shown outside the front yard setback (35 feet)

(c) Parking for two [2] or more abutting uses may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary, or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement shall be duly recorded. *n/a*

(d) Tandem or ‘stacked’ parking may be approved for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is approved, the first space shall have unobstructed access while the second space may be accessed through the first space. *Two tandem parking rows have been proposed (total of 4 spaces impacted). DRB should consider if this proposal allows for safe circulation or if these spaces are reserved for employees.*

11.2.3.2. Dimensions:

(a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed.

(b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet.

(c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be show that the required widths are excessive to the functional needs of the site.

11.2.6. Loading and Service Areas:

11.2.6.1. Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located behind the front building line, or to the side or rear of the structure they serve. *DRB should determine if dropping off cars for storage constitutes the need to satisfy 11.2.6.1.*

11.2.6.2. All vehicle movements for loading, unloading, and deliveries shall be made off the public Right-Of-Way

11.4. Lot Layout

11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street: *In the Agriculture district, this is a minimum of 35' for both Downer Lane and Cilley Hill.*

11.4.5. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations. *Existing access has recommended changes from Jericho Highway Department*

11.5. Grading/Slope/Ridgeline

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. *Tree removal to be minimized as much as possible, especially along the boundaries of the property. Applicant has stated that bushes and trees along Downer Lane will be retained as much as possible*

11.8. Landscaping 11.8.1. Preservation of Landscape: Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required. *The DRB may require new plantings*

11.8.2. Landscaping Budget Requirement: For all site plans, the Development Review Board may require minimum planting costs of up to three percent [3%] of total construction/improvement costs.

11.8.3. Screening and Buffering Requirements: All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Rural Residential, Agriculture or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on

- (a) the location and context of the site,
- (b) the type of use,
- (c) proximity to neighbors, and
- (d) the pattern and extent of existing vegetation (on-site and in the immediate area). In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement. *Applicant's site plan shows that parking will be screened by a 6' fence and bushes/trees along downer lane. A 6' fence screens the view of the parking from Cilley Hill. Fences 6' or less are an allowed use in any zoning district, provided the following is met:*

7.5.1. A fence six [6] feet high or less may be placed up to but not on a property line so that both sides of the fence can be erected and maintained from the property of the person erecting the fence. A building permit is not required.

7.5.2. A fence more than six feet high is a conditional use in all districts subject to approval by the Development Review Board under Section 10.9.

7.5.3. A fence shall be erected so that its “good side” shall face an abutting property or roadway.

7.5.4. No fence may be placed so as to interfere with an adjacent town Right-Of-Way or publicly owned or maintained sidewalk, bike path or pedestrian way.

7.5.5. All fences shall comply with Section 5.3.4.

11.8.4. Street and Shade Trees: In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees. *DRB should determine if this is necessary for proposed development*

11.9. Site Layout and Design The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

11.9.2. Rural Residential, Village, and Agriculture and Forestry Districts: Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas. *Design of proposed structure is described in the applicant's statement. The color would be red with white trim, with effort to match the existing barn's roof. The applicant has also included aesthetic details. See renderings in application packet.*

11.10. Outdoor Storage/Display ***

11.10.1. In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: “Front Yard Parking”, no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review. *Cars will need to be removed from current location in front of existing barn*

11.10.2. Solid and Hazardous Wastes: No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety.

11.10.3. Motor Vehicles: No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks. *This standard is included based on the current violation on the lot. DRB may want to consider including a*

condition that requires a remedy of the violation. Applicant has stated the construction of the new barn will relieve the applicant of this violation

11.11. Outdoor Lighting: Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications (see standards listed in 11.11)

11.11.1. The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height.

Height of proposed exterior light is 10 ft

11.11.2. The maximum permitted average lighting level on the surface to be lighted shall be one [1.0] foot-candle, or as otherwise specified in the Public Works Specifications

11.11.5. Security Lighting: Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle. To the extent practicable, security lighting shall be placed on timers and seasonally adjusted for fluctuations in daylight hours. *Applicant has proposed an exterior motion sensing light near the entrance of the barn. Location does not appear to be a hindrance to any abutter.*

11.12. Utilities 11.12.1. All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. *Applicant has stated that the proposed barn will have lighting. Underground utility shown on plan from existing barn to proposed barn.*

11.12.2. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met.

11.13.2. Erosion and Sediment Control During Construction: 11.13.2.1. At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

11.14. Performance Standards 11.14.1. No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry.